

**REMARKS*****Status of the Claims***

Claims 1-36 are pending. Claims 37-46 have been cancelled without prejudice or disclaimer.

***The Rejection under 35 U.S.C. § 102(b)***

Claims 1-7 and 36 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Romaine *et al.* (U.S. Pat. No. 4,803,800). Applicants respectfully traverse the rejection and request reconsideration for the following reasons.

The Romaine *et al.* patent does not teach and therefore does not anticipate, nor does it render obvious, the claimed invention because it does not teach an enriched mushroom compost supplement.

The invention claimed in the present application is directed to an enriched mushroom compost supplement, wherein the enrichment comprises the addition of a polysaccharide or polysaccharide composition to a mushroom compost supplement (see claim 1).

Applicants respectfully assert that nothing in the cited Romaine *et al.* patent teaches or suggests the claimed enriched mushroom compost supplement and a person having skill in the art would not equate the mushroom spawn or casing spawn described in Romaine *et al.* with the claimed enriched mushroom compost supplement. This is because the mushroom spawn and casing spawn described in the Romaine *et al.* patent are simply not the same as an enriched mushroom compost supplement, which is what is currently being claimed. Mushroom spawn and casing spawn have different purposes and are used for different reasons during mushroom cultivation than mushroom compost supplements, the subject of the present invention.

The material described in the Romaine *et al.* patent is “a synthetic analog of prior known grain substrate for spawn or compost substrate CACing material” (see column 12, lines 27-31).

Thus, the material described in the Romaine *et al.* patent is not an enriched mushroom compost supplement or even a mushroom compost supplement.

As stated above, the Romaine *et al.* patent identifies the material described therein as a spawn or CACing material (casing layer spawn) rather than a compost supplement. A person having ordinary skill in the art would not equate a mushroom spawn or casing spawn with the

enriched mushroom compost supplement that is claimed in the present application because these materials are simply not the same, they have different purposes and are used for different reasons during mushroom cultivation.

For the foregoing reasons, applicants respectfully request reconsideration and withdrawal of the rejection.

***The Rejection of Claims under 35 U.S.C. § 103(a)***

Claims 8-35 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Romaine *et al.* (U.S. Pat. No. 4,803,800). Applicants respectfully traverse the rejection and request reconsideration for the following reasons.

As stated above, the Romaine *et al.* patent does not teach or even remotely suggest an enriched mushroom compost supplement because it is directed to mushroom spawn or casing spawn. These materials are not the same as the enriched mushroom compost supplement of the instant application and a person having ordinary skill in the art would not equate these materials with each other. This is because mushroom spawn and casing spawn materials have a different purpose and are used for different reasons than mushroom compost supplements in the cultivation of mushrooms. Without any teaching or suggestion of a mushroom compost supplement anywhere in the cited reference, there could not have been any motivation to modify the Romaine *et al.* patent to arrive at the claimed invention.

Even considering the paragraph at column 9, lines 31-45 of the Romaine *et al.* patent, which discusses nutrients including monosaccharides, oligosaccharides and polysaccharides, a person having ordinary skill in the art would not have used this teaching to arrive at the claimed invention. This is because a mushroom compost supplement is not the same as a mushroom spawn or a casing spawn, which is what is taught in the Romaine *et al.* patent.

Without any teaching or suggestion of a mushroom compost supplement anywhere in the cited reference, there could have been no motivation to use the teaching of monosaccharides, oligosaccharides and polysaccharides in a mushroom spawn or a casing spawn to make an enriched mushroom compost supplement. Lacking any teaching of a mushroom compost supplement, there would have been no motivation to modify the teachings in the Romaine *et al.* patent to arrive at the claimed invention.

For the foregoing reasons, applicants respectfully request reconsideration and withdrawal of the rejection.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Should the Examiner find that an interview would be helpful to further prosecution of this application, he is invited to telephone the undersigned at his convenience.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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